

Chandler Johnson (GA)
 Childers Johnson, E. B. (GA)
 Clarke Kagen
 Clay Kanjorski
 Cleaver Kaptur
 Clyburn Kennedy
 Cohen Kildee
 Connolly (VA) Kilpatrick (MI)
 Conyers Kilroy
 Cooper Kind
 Costa Kirkpatrick (AZ)
 Costello Kissell
 Courtney Klein (FL)
 Crowley Kosmas
 Cuellar Kratovil
 Cummings Kucinich
 Dahlkemper Langevin
 Davis (AL) Larsen (WA)
 Davis (CA) Larson (CT)
 Davis (IL) Lee (CA)
 Davis (TN) Levin
 DeFazio Lewis (GA)
 DeGette Lipinski
 Delahunt Loebuck
 DeLauro Lofgren, Zoe
 Dicks Lowey
 Dingell Lujan
 Doggett Lynch
 Donnelly (IN) Maffei
 Doyle Malone
 Driehaus Markey (CO)
 Edwards (MD) Markey (MA)
 Edwards (TX) Marshall
 Ellison Massa
 Ellsworth Matheson
 Eshoo Matsui
 Etheridge McCarthy (NY)
 Farr McCollum
 Fattah McDermott
 Filner McGovern
 Foster McIntyre
 Frank (MA) McMahon
 Fudge McNerney
 Giffords Meek (FL)
 Gonzalez Meeks (NY)
 Gordon (TN) Melancon
 Grayson Michaud
 Green, Al Miller (NC)
 Green, Gene Minnick
 Griffith Mitchell
 Grijalva Mollohan
 Gutierrez Moore (KS)
 Hall (NY) Moore (WI)
 Halvorson Moran (VA)
 Hare Murphy (CT)
 Harman Murphy (NY)
 Hastings (FL) Murphy, Patrick
 Heinrich Murtha
 Herstein Sandlin Napolitano
 Higgins Neal (MA)
 Himes Nye
 Hinchey Oberstar
 Hinojosa Obey
 Hirono Oliver
 Hodes Ortiz
 Holden Pallone
 Honda Pascrell
 Hoyer Pastor (AZ)
 Inslee Payne
 Israel Perlmutter
 Jackson (IL) Perriello
 Jackson-Lee Peters
 (TX) Peterson

NAYS—174

Aderholt Brown-Waite,
 Akin Ginny
 Alexander Buchanan
 Austria Burgess
 Bachmann Burton (IN)
 Bachus Buyer
 Barrett (SC) Calvert
 Bartlett Camp
 Barton (TX) Campbell
 Biggert Cantor
 Bilbray Cao
 Bilirakis Capito
 Bishop (UT) Carter
 Blackburn Cassidy
 Blunt Castle
 Boehner Chaffetz
 Bonner Coble
 Bono Mack Coffman (CO)
 Boozman Cole
 Boustany Conaway
 Brady (TX) Crenshaw
 Broun (GA) Culberson
 Brown (SC) Davis (KY)
 Deal (GA)

Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Kind
 Rodriguez
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

Harper
 Hastings (WA)
 Hensarling
 Herger
 Hill
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Lamborn
 Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 Loblondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)

NOT VOTING—12

Berry
 Capps
 Engel
 Fortenberry
 Heller
 Holt
 King (IA)
 Miller, George
 Nadler (NY)
 Scalise
 Stark
 Wamp

□ 1153

Mr. OLSON and Ms. GINNY BROWN-WAITE of Florida changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 237, the adoption of the rule on H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “nay.”

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 237, I was not able to reach the House floor to cast my vote before the vote was closed. Had I been able to cast my vote, I would have voted “nay.”

RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

The SPEAKER pro tempore (Mr. CARNAHAN). Pursuant to clause 8, rule XX, the unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 14, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: “Resolution recognizing the impor-

tance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.”.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a “federal investigation into potentially corrupt political contributions,” has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti “set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks back to his clients.”

Whereas, a guest columnist recently highlighted in Roll Call that “. . . what the firm’s example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.”

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to “straw man” contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they “have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters and passage of a spending bill.”

Whereas, the Associated Press highlighted the “huge amounts of political donations” from the firm and its clients to select members and noted that “those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.”

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm’s offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that “the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.”

Whereas, the persistent media attention focused on questions about the nature and

timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of this institution.

Now, therefore, be it: Resolved, that

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1728.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 6, 2009, all time for general debate, pursuant to House Resolution 400, had expired.

Pursuant to House Resolution 406, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Mortgage Reform and Anti-Predatory Lending Act”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

Sec. 101. Definitions.

Sec. 102. Residential mortgage loan origination.

Sec. 103. Prohibition on steering incentives.

Sec. 104. Liability.

Sec. 105. Regulations.

Sec. 106. RESPA and TILA disclosure improvement.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

Sec. 201. Ability to repay.

Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.

Sec. 203. Safe harbor and rebuttable presumption.

Sec. 204. Liability.

Sec. 205. Defense to foreclosure.

Sec. 206. Additional standards and requirements.

Sec. 207. Rule of construction.

Sec. 208. Effect on State laws.

Sec. 209. Regulations.

Sec. 210. Amendments to civil liability provisions.

Sec. 211. Lender rights in the context of borrower deception.

Sec. 212. Six-month notice required before reset of hybrid adjustable rate mortgages.

Sec. 213. Credit risk retention.

Sec. 214. Required disclosures.

Sec. 215. Disclosures required in monthly statements for residential mortgage loans.

Sec. 216. Legal assistance for foreclosure-related issues.

Sec. 217. Effective date.

Sec. 218. Report by the GAO.

Sec. 219. State Attorney General enforcement authority.

Sec. 220. Tenant protection.

TITLE III—HIGH-COST MORTGAGES

Sec. 301. Definitions relating to high-cost mortgages.

Sec. 302. Amendments to existing requirements for certain mortgages.

Sec. 303. Additional requirements for certain mortgages.

Sec. 304. Regulations.

Sec. 305. Effective date.

TITLE IV—OFFICE OF HOUSING COUNSELING

Sec. 401. Short title.

Sec. 402. Establishment of Office of Housing Counseling.

Sec. 403. Counseling procedures.

Sec. 404. Grants for housing counseling assistance.

Sec. 405. Requirements to use HUD-certified counselors under HUD programs.

Sec. 406. Study of defaults and foreclosures.

Sec. 407. Definitions for counseling-related programs.

Sec. 408. Updating and simplification of mortgage information booklet.

Sec. 409. Home inspection counseling.

TITLE V—MORTGAGE SERVICING

Sec. 501. Escrow and impound accounts relating to certain consumer credit transactions.

Sec. 502. Disclosure notice required for consumers who waive escrow services.

Sec. 503. Real Estate Settlement Procedures Act of 1974 amendments.

Sec. 504. Truth in Lending Act amendments.

Sec. 505. Escrows included in repayment analysis.

TITLE VI—APPRAISAL ACTIVITIES

Sec. 601. Property appraisal requirements.

Sec. 602. Unfair and deceptive practices and acts relating to certain consumer credit transactions.

Sec. 603. Amendments relating to appraisal subcommittee of FIEC, appraiser independence, and approved appraiser education.

Sec. 604. Study required on improvements in appraisal process and compliance programs.

Sec. 605. Equal Credit Opportunity Act amendment.

Sec. 606. Real Estate Settlement Procedures Act of 1974 amendment relating to certain appraisal fees.

TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM

Sec. 701. Sense of Congress regarding the importance of Government-sponsored enterprises reform to enhance the protection, limitation, and regulation of the terms of residential mortgage credit.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

SEC. 101. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

“(cc) *DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.*—

“(1) *COMMISSION.*—Unless otherwise specified, the term ‘Commission’ means the Federal Trade Commission.

“(2) *FEDERAL BANKING AGENCIES.*—The term ‘Federal banking agencies’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.

“(3) *MORTGAGE ORIGINATOR.*—The term ‘mortgage originator’—

“(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

“(i) takes a residential mortgage loan application;

“(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

“(iii) offers or negotiates terms of a residential mortgage loan;

“(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);

“(C) does not include any person who is (i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph, or (ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A);

“(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless such person or entity is compensated for performing such brokerage activities by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator; and